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NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

172 NAC 106

TITLE 172
CHAPTER 106

PROFESSIONAL AND OCCUPATIONAL LICENSURE
NURSING HOME ADMINISTRATORS

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TITLE 172

PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 106

NURSING HOME ADMINISTRATORS

106-001 SCOPE AND AUTHORITY: These regulations apply to licensure of Nursing Home Administrators as defined by Neb. Rev. Stat. §§ 71-6053 to 71-6068 and the Uniform Licensing Law.

106-002 DEFINITIONS

Accredited Institution means a postsecondary educational institution approved by the Board.

Act means Neb. Rev. Stat. §§ 71-6053 to 71-6068, known as the Practice of Nursing Home Administration.

Active License means a license issued by the Board to an administrator who meets the continuing competency requirements of Neb. Rev. Stat. § 71-6060 and who submits the fee required by Neb. Rev. Stat. § 71-6061.

Administrator or Nursing Home Administrator (NHA) means any individual who meets the education and training requirements specified in these regulations and is responsible for planning, organizing, directing, and controlling the operation of a home for the aged or infirm, a nursing home, or an integrated system or who in fact performs such functions, whether or not such functions are shared by one or more other persons. Notwithstanding this subdivision or any other provision of law, the administrator of an intermediate care facility for the mentally retarded may be either a licensed nursing home administrator or a qualified mental retardation professional.

Each administrator must be responsible for and oversee the operation of only one licensed facility or one integrated system, except that an administrator may make application to the board for approval to be responsible for and oversee the operations of a maximum of 3 licensed facilities if such facilities are located within 2 hours' travel time of each other or to act in the dual role of administrator and department head but not in the dual role of administrator and director of nursing. An administrator responsible for and overseeing the operations of any integrated system is subject to disciplinary action against his/her license for any regulatory violations within each system.

Administrator-in-Training (AIT) means a person who is undergoing training to become a nursing home administrator and is directly supervised in a home for the aged or infirm or nursing home by a certified preceptor.

Administrator-in-Training Program means completion of at least 640 hours of training and experience, which must be completed in not less than 4 calendar months, and must be at least 20 hours per week. The training and experience must occur in a Nebraska licensed home for the aged or infirm or nursing home, under the direct supervision of a Nebraska certified preceptor.

Associate Degree means a two-year post-secondary degree which is composed of 60 to 64 semester hours of academic credit, awarded by an accredited institution of post-secondary education.

Attest/Attestation means that the individual declares that all statements on the application/petition are true and complete.

Board means the Board of Examiners in Nursing Home Administration.

Certified Preceptor means a person who is currently licensed by the State of Nebraska as a Nursing Home Administrator, has three years of experience as a Nursing Home Administrator, has practiced within the last two years in a home for the aged or infirm or nursing home, and is approved by the Board to supervise an administrator-in-training or a person in a mentoring program.

Completed Application means an application with all of the information requested, the signature of the applicant, fees, and all required documentation submitted.

Continuing Competency means activities to ensure:

1. The maintenance by a credentialed person of knowledge and skills necessary to competently practice as a nursing home administrator,
2. The utilization of new techniques based on scientific and clinical advances, and
3. The promotion of research to assure expansive and comprehensive services to the public. It is the competency required as a condition of licensure renewal, pursuant to Neb. Rev. Stat. § 71- 6060.

Continuing education is the method of continuing competency and may be offered under such names as "educational courses", "clinic", "forum", "lecture", "workshops", "training programs" or "seminars". In order for continuing education to be recognized/count for licensure renewal, it must be approved by the Board.

Continuing Education Hour or Credit means:

1. Academic Credit. A maximum of 25 hours of continuing education credit per a biennial renewal period may be obtained through academic credit; continuing education obtained through academic credit is calculated as follows:
 - a. 1 semester hour of academic credit equals 5 continuing education credit hours; and
 - b. 1 quarter hour of academic credit equals 3 continuing education credit hours;
2. Home Study: A maximum of 25 hours of continuing education credit per a biennial renewal period may be obtained through home study programs.
3. Continuing Education Programs: 60 minutes of participation equals 1 continuing education hour/credit.

Core Educational Requirements means coursework hours necessary for licensure as a nursing home administrator. Hours are calculated as follows and must include the following coursework:

- | | | | |
|----|-----------------------|-------------------------------|---------------------|
| 1. | Semester hours: | 1 semester hour | = 1 coursework hour |
| 2. | Quarter hours: | 1.5 quarter hour | = 1 coursework hour |
| 3. | Continuing Education: | 10 continuing education hours | = 1 coursework hour |

Coursework: Must complete a minimum of 3 coursework hours in each of the following areas:

Patient Care and Services. The following are examples of acceptable coursework:

1. Aging;
2. Ancillary Health Services;
3. Developmental Disabilities;
4. Disease Process;
5. End of Life Care;
6. Environmental Health and Safety;
7. Food Management;
8. Geriatrics / Gerontology;
9. Health Care Delivery Systems;
10. Medical Terminology;
11. Nursing;
12. Nutrition;
13. Pharmacology;
14. Therapeutic Recreation; or
15. Similar coursework to those listed above.

Social Services. The following are examples of acceptable coursework:

1. Case Management;
2. Death and Dying;
3. Developments in Aging;
4. Mental Health;
5. Psychology (psychological aspects of aging);
6. Social Gerontology (i.e., theories of aging / social aspects of aging / multi-cultural issues);
7. Social Services (Medicaid/Medicare);
8. Social Work;
9. Sociology;
10. Spirituality - Human Development / Lifespan;
11. Therapeutic Recreation; or
12. Similar coursework to those listed above.

Financial Management. The following are examples of acceptable coursework:

1. Accounting (payroll, AR, Taxes, HP, general ledger);
2. Business Management;
3. Financial Planning;
4. Management;
5. Medicare / Medicaid; or
6. Office Management – Statistics; or
7. Similar course work to those listed above.

Administration. The following are examples of acceptable coursework:

1. Communication Skills
2. Law Courses (i.e., Public Administration, Business Law);
3. Leadership Skills;
4. Legal Aspects of Aging;
5. Marketing / Public Relations;
6. Management / Organizational Theory;
7. Organizational Analysis;
8. Organizational Development;
9. Personnel / Human Resources / Labor Relations;
10. Purchasing / Inventory Control;
11. Strategic / Financial Planning;
12. TQM / CQI; or
13. Similar coursework to those listed above.

Rules, Regulations, and Standards Relating to the Operation of a Health Care Facility.

The following are examples of acceptable coursework:

1. ADA – FMLA;
2. ANSI Standards;
3. Ethics;
4. Labor Laws;
5. Law;
6. Life/Safety Code;
7. Medicare / Medicaid Issues;
8. NFPA – FSES;
9. Nursing Home Administrator Regulations;
10. Nursing Facility Standards;
11. OSHA;
12. OBRA; or
13. Similar coursework to those listed above.

Degree or Advanced Degree means a baccalaureate, master's or doctorate degree from an accredited institution and which includes studies in the core educational requirements.

Degree or Advanced Degree in Health Care means a baccalaureate, master's or doctorate degree from an accredited institution in health care, health care administration, or services.

Department means the Department of Health and Human Services Regulation and Licensure.

Director means the Director of Regulation and Licensure or the Chief Medical Officer if one has been appointed pursuant to Neb. Rev. Stat. § 81-3201, for performance of the duties set out in that statute.

Division means the Credentialing Division of the Department of Health and Human Services Regulation and Licensure.

Home for the Aged or Infirm or Nursing Home means any institution or facility licensed as a nursing facility or a skilled nursing facility by the Department pursuant to the Health Care Facility Licensure Act, whether proprietary or nonprofit, including, but not limited to, homes for the aged or infirm owned or administered by the federal or state government or an agency or political subdivision thereof.

Inactive License means the voluntary termination of the right or privilege to engage in nursing home administration. The licensee retains the right or privilege to represent himself/herself as having an inactive license.

Integrated System means a health and human services organization offering different levels of licensed care or treatment on the same premises.

Internship means that aspect of the educational program of an associate degree in long-term care administration which meets the requirements specified in the definition of Administrator-in-Training Program or Mentoring Program in 172 NAC 106-002 and allows for practical experience in a home for the aged or infirm, or nursing home and occurs under the supervision of a certified preceptor.

License means permission to engage in nursing home administration which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisites and qualifications that allow them to perform nursing home administration tasks and use the title nursing home administrator.

Mentoring Program means completion of at least 640 hours of training and experience, which must be completed in not less than 4 calendar months, and must be at least 20 hours per week. The program must occur in a Nebraska licensed home for the aged or infirm or nursing home, under the supervision of a Nebraska certified preceptor. The certified preceptor in a mentoring program need not be at such facility during the period of such supervision but must be available to assist with questions or problems as needed. The supervisor must meet with the person being supervised in a mentoring program at least 1 time per month at the facility where the training is occurring. A mentoring program may be gained as an internship which is part of a degree or advanced degree or part of a degree or advanced degree in health care. A person in a mentoring program may apply for a provisional license.

Mentoring Program Trainee means a person in a learner role who is actively involved in a program of supervised professional training and is supervised by a Nebraska certified preceptor aimed at developing and refining confidence and proficiency in the field of Nursing Home Administration.

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 106.

Nursing Degree means a degree or diploma in nursing from an accredited program of professional nursing approved by the Board of Nursing.

Nursing Home means any institution or facility licensed as a nursing facility or skilled nursing facility by the Department pursuant to the Health Care Facility Licensure Act, whether proprietary or nonprofit, including, but not limited to, homes for the aged or infirm owned or administered by the federal or state government or an agency or political subdivision thereof.

Official Transcript means issued by and under the original seal of the educational institution.

Preceptor Training Course means a training course as approved by the Board which must include, but is not limited to, review of required paperwork for the Administrator-In-Training and training/teaching techniques.

Previous Work Experience means at least 2 years working full time in a nursing home or home for the aged or infirm or previous work experience in health care administration.

Previous Work Experience in Health Care Administration means at least 2 years working full time as:

1. An administrator or director of nursing of a hospital with a long-term care unit or assisted living facility; or
2. Director of nursing in a nursing home or home for the aged or infirm.

Provider means an association, educational institution, individual, group, or individual licensee who requests approval from the Board of Examiners in Nursing Home Administration for continuing education programs, and presents continuing education programs to licensees.

Verified means signed and sworn to before a Notary Public.

Written Examination means the National Association of Boards of Examiners Nursing Home Administrators licensing examination, which may be administered by computer.

106-003 NURSING HOME ADMINISTRATOR: Any individual who is responsible for planning, organizing, directing and controlling the operation of a home for the aged or infirm, or nursing home must be licensed as a Nursing Home Administrator. The criteria for issuance of licensure and the documentation required by the Board are set forth below:

106-003.01 Initial Licensure Requirements: The following are the requirements for licensure:

106-003.01A Education

1. Associate Degree: If the applicant has an associate degree, the degree must include the following core educational requirements (see core educational areas are defined in 172 NAC 106-002 and complete a mentoring program or administrator-in-training program:
 - a. Core Educational Areas
 - (1) Patient care and services;
 - (2) Social services;
 - (3) Financial management;
 - (4) Administration;
 - (5) Rules, regulations, and standards relating to the operation of a health care facility; and
 - b. Mentoring Program: If the applicant has at least 2 years working full time in a nursing home for the aged or infirm or previous work experience in health care administration, s/he must complete a mentoring program, OR

- c. Administrator-in-Training Program: Applicants who do not meet the mentoring program experience requirements will be required to complete the administrator-in-training program.
2. Degree or Advanced Degree: If the applicant has a baccalaureate, master's, or doctorate degree from an accredited institution, the degree must include the following core educational requirements (core educational areas are defined in 172 NAC 106-002) and the applicant must complete a mentoring program:
 - a. Core Educational Areas
 - (1) Patient care and services;
 - (2) Social services;
 - (3) Financial management;
 - (4) Administration; and
 - (5) Rules, regulations and standards relating to the operation of a health care facility.
3. Degree or Advanced Degree in Health Care: If the applicant has a baccalaureate, master's, or doctorate degree from an accredited institution in health care, health care administration, or services, and has previous work experience in health care administration (as defined in 172 NAC 106-002), s/he is not required to complete either the mentoring program or administrator-in-training program.

If the applicant with a degree or advanced degree in health care administration does not have "previous work experience in health care administration" s/he must complete a mentoring program.

4. Nursing Degree: If the applicant has a degree or diploma in nursing from an accredited program of professional nursing approved by the Board of Nursing, and previous work experience in health care administration (as defined in 172 NAC 106-002), s/he is required to complete the mentoring program.

If the applicant with a nursing degree does not have "previous work experience in health care administration" the degree must include the following core educational requirements (core educational areas are defined in 172 NAC 106-002) and the applicant must complete a mentoring program:

- a. Core Educational Areas
 - (1) Patient care and services;
 - (2) Social services;
 - (3) Financial management;

- (4) Administration; and
- (5) Rules, regulations and standards relating to the operation of a health care facility.

106-003.01B Age of Majority and Moral Character: The applicant must have attained at least the age of majority and have good moral character.

106-003.01C Written Examination: The applicant must have received a score at or above the national pass score as determined by the National Association of Boards of Examiners (NAB) for Nursing Home Administrators.

106-003.01D Submit to the Board: An application for licensure to practice as a nursing home administrator. The application may be submitted on a form provided by the Department or on an alternate format, which includes the following information:

1. Applicant Information

- a. Name;
- b. Mailing Address;
- c. Date of Birth; if the official transcript does not verify date of birth, a birth certificate, marriage license, driver's abstract, or similar documentation will be required;
- d. Place of Birth;
- e. Telephone Number (Optional); and
- f. Social Security Number.

2. Conviction(s) and Other Licensing Information

- a. Evidence of any misdemeanor or felony convictions. If convicted, official court records which indicate, the circumstances and nature of the conviction, the date of the conviction, the name and location of court where the conviction was issued, the conditions and current disposition of probation, if applicable, treatment records, and other similar documentation which would provide a thorough evaluation of the conviction circumstances or may be requested by the Board.
- b. If the applicant holds a license in another state(s), the name of such state(s);
- c. If the applicant's license has ever been disciplined, evidence of the date and type of action and name and address of the entity taking such action;
- d. If the applicant's license has ever been surrendered, evidence of the date and type of surrender and state of such surrender;

- e. If the applicant's license was suspended or revoked, evidence of the date and type of action and name and address of entity taking such action;
3. Academic Transcript: An official transcript showing receipt of the degree obtained by the applicant.
4. Core Education: Evidence of completion of the specified core educational areas, if applicable. Evidence may include such information as copies of the course description from the college/university catalogue, course syllabus, continuing education course description, letters from the provider or college/university representative, or similar documentation.
5. Previous Work Experience: Verification of previous work experience, if applicable. Such verification must be sent by the employer and include:
 - a. Name of Employer and Name of Facility;
 - b. Address of Facility;
 - c. Position Held by Applicant;
 - d. Dates of employment; and
 - e. Brief statement of type of work experience.
6. Examination Information: If the written examination was taken in a state other than Nebraska, an official score report sent directly from the testing agency or state in which the test was administered.
7. Statement that states, "I am of good moral character, and that the statements herein are true and complete".
8. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska prior to the application for a license; or
 - b. To the actual number of days practiced in Nebraska prior to the application for a license.
9. Fee: The required licensure fee.

106-003.01E Pro-Rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

106-003.01F Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 106-018, or such other action as provided in the statutes and regulations governing the credential.

106-003.01G Application Processing Timeframes: The Board will act within 150 days upon all completed applications for license.

106-003.02 Reciprocity

106.003.02A Requirements: An applicant for licensure to practice as a Nursing Home Administrator who is licensed in another state or jurisdiction must:

1. Hold a current license in another state or jurisdiction; and
2. Have attained at least the age of majority and have good moral character.

106-003.02B Application Process: The following must be submitted to the Board:

1. An application for licensure to practice as a nursing home administrator. The application may be submitted on a form provided by the Department or on an alternate format, which includes the following information.
 - a. Applicant Information:
 - (1) Name;
 - (2) Mailing Address;
 - (3) Date of Birth; if the official transcript does not verify date of birth, a birth certificate, marriage license, driver's abstract, or similar documentation will be required;
 - (4) Place of Birth;
 - (5) Telephone Number (Optional); and
 - (6) Social Security Number.
 - b. Conviction(s) and Other Licensing Information:
 - (1) Evidence of any misdemeanor or felony convictions. If convicted, official court records which indicate the circumstances and nature of the conviction, the date of the conviction, the name and location of court where the conviction was issued, the conditions and current disposition of probation, if applicable, treatment records, and other similar documentation which would provide a thorough evaluation of the conviction circumstances or may be requested by the Board.
 - (2) If the applicant holds a license in another state(s), the name of such state(s);
 - (3) If the applicant's license has ever been disciplined, evidence of the date and type of action and name and address of the entity taking such action;

- (4) If the applicant's license has ever been surrendered, evidence of the date and type of surrender and state of such surrender;
 - (5) If the applicant's license was suspended or revoked, evidence of the date and type of action and name and address of entity taking such action;
- c. Statement that, "I am of good moral character, and that the statements herein are true and complete".
- d. Attestation by the applicant:
 - (1) That s/he has not practiced in Nebraska prior to the application for a license; or
 - (2) To the actual number of days practiced in Nebraska prior to the application for a license.
- e. Fee: The required licensure fee.

106-003.02B1 Certification of Licensure from Other State: The applicant must have the licensing agency (from the State in which the applicant is licensed), submit to the Department, a certification of licensure. The application may be submitted on a form provided by the Department or on an alternate format, but must contain the agency's official seal. The certification must verify:

- 1. That the applicant is duly licensed or certified, that his/her license or certificate has never been suspended or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement;
- 2. The nature of disciplinary actions, if any, taken against the applicant's license or certificate;
- 3. The date of the applicant's license or certification; and
- 4. The expiration date of the applicant's license or certification.

106-003.02C Pro-Rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

106-003.02D Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 106-018, or such other action as provided in the statutes and regulations governing the credential.

106-003.02E Application Processing Time: The Board will act within 150 days upon all completed application for licensure.

106-003.03 Administrator for a Facility Caring for Persons with Head Injuries and Associated Disorders

106-003.03A Requirements: An applicant for licensure to practice as a Nursing Home Administrator of a facility caring primarily for persons with head injuries and associated disorders must:

1. Have at least 2 years of experience working with persons with head injuries or severe physical disabilities, at least one of which was spent in an administrative capacity;
2. Be one of the following:
 - a. A psychologist with at least a master's degree in psychology from an accredited college or university; and
 - (1) Have specialized training; or
 - (2) One year of experience working with persons with traumatic head injury or severe physical disability; or
 - b. A physician licensed pursuant to the Uniform Licensing Law to practice medicine and surgery or psychiatry; and
 - (1) Have specialized training; or
 - (2) One year of experience working with persons with traumatic head injury or severe physical disability; or
 - c. An educator with at least a master's degree in education from an accredited college or university; and
 - (1) Have specialized training; or
 - (2) One year of experience working with persons with traumatic head injury or severe physical disability; or
 - d. A certified social worker, a certified master social worker, or a licensed mental health practitioner certified or licensed pursuant to the Uniform Licensing Law; and
 - (1) Have at least three years of social work or mental health practice experience and specialized training; or
 - (2) One or more years of experience working with persons who have experienced traumatic head injury or are severely physically disabled; and

3. Have good moral character.

106-003.03B Application Process: The following must be submitted to the Board:

1. Application: An application for licensure to practice as a nursing home administrator. The application may be submitted on a form provided by the Department or on an alternate format, which includes the following information:
 - a. Applicant Information:
 - (1) Name;
 - (2) Mailing Address;
 - (3) Date of Birth; if the official transcript does not verify date of birth, a birth certificate, marriage license, driver's abstract, or similar documentation will be required;
 - (4) Place of Birth;
 - (5) Telephone Number (Optional); and
 - (6) Social Security Number.
2. Conviction(s),and Other Licensing Information:
 - a. Evidence of any misdemeanor or felony convictions. If convicted, official court records which indicate, the circumstances and nature of the conviction, the date of the conviction, the name and location of court where the conviction was issued, the conditions and current disposition of probation, if applicable, treatment records, and other similar documentation which would provide a thorough evaluation of the conviction circumstances or may be requested by the Board.
 - b. If the applicant holds a license in another state(s), the name of such state(s);
 - c. If the applicant's license has ever been disciplined, evidence of the date and type of action and name and address of the entity taking such action;
 - d. If the applicant's license has ever been surrendered, evidence of the date and type of surrender and state of such surrender;
 - e. If the applicant's license was suspended or revoked, evidence of the date and type of action and name and address of entity taking such action;

3. Licensure Category: Indicate basis for license as follows:
 - a. Psychologist;
 - b. Physician;
 - c. Educator;
 - d. Certified Social Worker;
 - e. Certified Master Social Worker; or
 - f. Licensed Mental Health Practitioner.
4. Academic Transcript: An official transcript showing receipt of the degree by which the applicant is making application;
5. Training or Experience:
 - a. Brief description of specialized training received or experience received working with persons with head injuries or sever physical disabilities;
 - b. Experience in an administrative capacity (must be at least 1 year in duration);
 - c. Name of facility or institution in which training or experience was completed;
 - d. Duration of Experience (From – To);
6. Statement that states, “I am of good moral character, and that the statements herein are true and complete”.
7. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska prior to the application for a license; or
 - b. To the actual number of days practiced in Nebraska prior to the application for a license.
8. Fee: The required licensure fee.

106-003.03C Pro-Rated Renewal: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, and the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal

106-003.03D Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 106-018, or such other action as provided in the statutes and regulations governing the credential.

106-003.03E Application Processing Time: The Board will act 150 days upon all completed applications for licensure.

106-003.04 An administrator may be responsible for and oversee the operations of up to three licensed facilities if the Board approves. The applicant must meet the following requirements:

1. The travel time between the two facilities the farthest apart must not exceed two hours. Travel time must be by motor vehicle. Air time is not considered travel time for this purpose.
2. The distance between the two facilities the farthest apart must not exceed 150 miles.
3. The combined total number of beds in the facilities must not exceed 200.

106-003.04A Submit to the Board: An application for approval to be responsible for and oversee the operations of a maximum of 3 licensed nursing facilities. The application may be submitted on a form provided by the Department or on an alternate format, which includes the following information:

1. Applicant Information

- a. Name;
- b. Mailing Address;
- c. Date of Birth;
- d. Place of Birth;
- e. Telephone Number (Optional); and
- f. Social Security Number.

2. Conviction(s) and Other Licensing Information

- a. Evidence of any misdemeanor or felony convictions. If convicted, official court records which indicate, the circumstances and nature of the conviction, the date of the conviction, the name and location of court where the conviction was issued, the conditions and current disposition of probation, if applicable, treatment records, and other similar documentation which would provide a thorough evaluation of the conviction circumstances or may be requested by the Board.
- b. If the applicant holds a license in another state(s), the name of such state(s);
- c. If the applicant's license has ever been disciplined, evidence of the date and type of action and name and address of the entity taking such action;
- d. If the applicant's license has ever been surrendered, evidence of the date and type of surrender and state of such surrender;

- e. If the applicant's license was suspended or revoked, evidence of the date and type of action and name and address of entity taking such action;
- 3. Name and address of the facilities for which the administrator will be responsible for overseeing, and the:
 - a. Number of beds per facility;
 - b. Driving time from facility to facility; and
 - c. Number of miles from facility to facility; and
- 4. Statement that states, "I am of good moral character, and that the statements herein are true and complete".

106-003.04B Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 106-018, or such other action as provided in the statutes and regulations governing the credential.

106-003.04C Application Processing Timeframes: The Board will act within 150 days upon all completed applications for license.

106-003.05 Dual Role: An administrator may act in the dual role of administrator and department head but not in the dual role of administrator and director of nursing.

106-003.05A Submit to the Board: An application for approval to act in the dual role of administrator and department head. The application may be submitted on a form provided by the Department or on an alternate format, which includes the following information:

- 1. Applicant Information
 - a. Name;
 - b. Mailing Address;
 - c. Date of Birth;
 - d. Place of Birth;
 - e. Telephone Number (Optional);
 - f. Social Security Number; and
 - g. Name of the administrator's additional department head title.
- 2. Conviction(s) and Other Licensing Information
 - a. Evidence of any misdemeanor or felony convictions. If convicted, official court records which indicate, the circumstances and nature of the conviction, the date of the conviction, the name and location of court where the conviction was issued, the conditions and current

disposition of probation, if applicable, treatment records, and other similar documentation which would provide a thorough evaluation of the conviction circumstances or may be requested by the Board.

- b. If the applicant holds a license in another state(s), the name of such state(s);
 - c. If the applicant's license has ever been disciplined, evidence of the date and type of action and name and address of the entity taking such action;
 - d. If the applicant's license has ever been surrendered, evidence of the date and type of surrender and state of such surrender;
 - e. If the applicant's license was suspended or revoked, evidence of the date and type of action and name and address of entity taking such action; and
3. Statement that states, "I am of good moral character, and that the statements herein are true and complete".

106-003.05B Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 106-018, or such other action as provided in the statutes and regulations governing the credential.

106-003.05C Application Processing Timeframes: The Board will act within 150 days upon all completed applications for license.

106-004 ADMINISTRATOR-IN-TRAINING PROGRAM AND MENTORING PROGRAM: Individuals applying for an initial license as a Nursing Home Administrator, who must complete an administrator-in-training program or mentoring program, must complete such under the supervision of a certified preceptor. The criteria and documentation required by the Board are set forth below:

106-004.01 Administrator-in-Training Program or Mentoring Program

106-004.01A Requirements: Applicants applying to begin either program must have completed at least 50% of the required core areas.

106-004.01B Application Process: The following must be submitted to the Board:

1. An application on a form provided by the Department or on an alternate format, which includes the following:

- a. Applicant Information
 - (1) Name;
 - (2) Mailing Address;
 - (3) Telephone Number (Optional);
 - (4) Social Security Number; and
 - (5) Indication of type of training program, either Administrator-in-Training or Mentoring;
 - b. Preceptor/Facility Information
 - (1) Name of Preceptor;
 - (2) Name of Facility where Training will occur;
 - (3) Address of Facility; and
 - (4) Telephone Number of Facility (Optional);
 - c. Dates of Training
 - (1) Proposed Starting Date of Training;
 - (2) Proposed Ending Date of Training; and
 - (3) Proposed Number of Hours to be Trained per Week;
 - d. A signed statement as follows: "I am the applicant referred to in this application and that the statements herein are true and complete."
2. Academic Transcript: An official transcript from an approved educational program or official verification of completion of continuing education showing completion of at least 50% of the core educational areas;
 - a. Official Course Descriptions: Official course descriptions (i.e.: descriptions photocopied from the course catalogue, syllabi, professor verification, continuing education provider verification, continuing education course description and certificate of completion, or other similar documentation) must be submitted for each course identified;
 3. Training Agreement: Evidence of an agreement between the certified preceptor and the applicant for at least 640 hours of training and experience, to be gained in not less than 4 months, and not less than 20 hours per week. Such agreement may be submitted on a form provided by the Department or on an alternate form, and must include the following information:
 - a. Statement signed by the preceptor and administrator-in-training or mentoring applicant, agreeing to training for at least 640 hours, gained in not less than 4 months, and gained in not less than 20 hours per week.

If completed in less 40 hours per week, a proposed schedule of training to meet the Administrator-in-Training or mentoring period;

4. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska prior to the application of his/her training program; or
 - b. To the actual number of days practiced in Nebraska prior to the application of his/her training program.
5. Fee: The required administrator-in-training program or mentoring program fee as specified in 172 NAC 106-017.

106-004.01C Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 106-018, or such other action as provided in the statutes and regulations governing the credential.

106-004.01D Application Processing Time: The Board will act within 150 days upon all completed applications for the administrator-in-training program. The applicant and preceptor will be notified in writing of the Board's determination.

106-004.02 Administrator-in-Training or Mentoring Program Reporting Requirements

106-004.02A Requirements: Upon approval by the Board of an Administrator – in-Training or Mentoring program, the certified preceptor and the trainee must:

1. Submit to the Department: A progress report describing the nature and extent of the training on a form provided by the Department, or on an alternate format, which includes the following information. Progress reports must be submitted by the 5th day of each calendar month of the duration of the training.
 - a. General Information:
 - (1) Name of Trainee;
 - (2) Name of Nursing Home Where Training is Being Completed;
 - (3) Nursing Home Address;
 - b. Training Completed for the month of report:
 - (1) Dates Training period covers (From – To);
 - (2) Hours worked per week;
 - (3) Total Hours worked in the reporting period;

c. Training Area:. Dates for which training was provided in the following areas:

(1) General Administration:

(a) Organization of the Facility (Must be inclusive of all of the following):

- [1] Administrative Purpose and Function;
- [2] Governing Body or Advisory Board and Organizational Chart
- [3] By-Laws;
- [4] Quality Assurance;

(b) Personnel (Must be inclusive of all of the following):

- [1] Personnel Policies and Procedures;
- [2] Orientation and Staff Development;
- [3] Employee Benefits and Insurance Package;
- [4] Recruitment/Retention/and Turnover;
- [5] Wage and Hour;
- [6] Personnel Files (Registration and Licensure);
- [7] Performance Evaluations;
- [8] Labor Laws:
 - [a] Personnel Handbook;
 - [b] EEO Information;
 - [c] Employment / Unemployment;
 - [d] Worker's Compensation;
 - [e] Union Activity;
 - [f] Release of Information;
 - [g] Required Posters;
 - [h] American with Disabilities Act (ADA);
 - [i] Family Medical Leave Act;
 - [j] Staffing Agencies;
 - [k] Nursing Assistant Registry Checks;
 - [l] Criminal Background Checks;
- [9] Sexual Harassment;
- [10] OSHA 200 Log (Bookkeeping Requirements);
- [11] HIPA/ERISA;
- [12] Occupational Allergies (latex gloves, hand soap, etc.);

(c) Admissions (Must be inclusive of all of the following):

- [1] Pre-Admission;
- [2] Admitting Policies and Procedures (Patient Self-Determination Act);
- [3] Transfer Agreement and Admission Policies;
- [4] MDS and Identification (ID) Screen / Senior Care Options;
- [5] Medicaid/Medicare Waiver and Medicare Admission Guidelines;

- (d) Finance (Must be inclusive of all of the following):
 - [1] Budget Preparation and Reporting;
 - [2] Evaluation of Financial Statements;
 - [3] Audits/Medicare/Medicaid;
 - [4] Contracts – VA / HMS / Managed Care, etc.;
 - [5] Medicaid / Case Mix Reimbursement / Cost Reports;
 - [6] Medicare/PPS/ Fiscal Intermediaries / Fraud Reimbursement;
 - [7] Taxes;
 - [8] Corporate/Board Compliance Plan;
 - [9] Long Term Care Insurance;
 - (e) Business (Must be inclusive of all of the following):
 - [1] Payroll;
 - [2] Inventory;
 - [3] Accounts Receivable/ Turn Around / CPT Codes / HCBPICS Codes / Bad Debt Collection;
 - [4] Accounts Payable (Third Party Payers);
 - [5] Resident Trust Accounts;
 - [6] Bookkeeping Policies and Procedures;
 - [7] Facility Insurance;
 - [8] Vendor Contracting;
 - [9] Benefit Programs;
 - [10] Record Retention;
 - (f) Marketing (Must be inclusive of all of the following):
 - [1] Public Relations;
 - [2] Newsletter/Publications;
 - [3] Community Relationships;
 - [4] Customer Satisfaction;
 - [5] Market Analysis;
 - (g) Survey Process/Regulatory Compliance - federal/State/Local:
 - [1] State Operating Manual (SOM);
 - [2] Quality Indicators;
 - [3] Enforcement / F-Tags / Scope & Severity / Sentinel Events / Civil Money Penalties;
- (2) Dietary:
- (a) Department Organization; Job Descriptions, Regulations, Policies and Procedures, Staffing/Scheduling, and Budgeting;
 - (b) Preparation and Service of Food;
 - (c) Assessment and Care Plan Involvement / RAPS;

- (d) Food Service Code Book / Food Service Sanitation Manual / HACCP (Health Administration Culinary Code Program);
- (e) Infection Control and Sanitation;
- (f) Consultant;
- (g) Ordering and Inventory;
- (h) Weight Loss Protocols;
- (i) Customer Service / Fine Dining;

(3) Housekeeping and Laundry:

- (a) Department Organization; Job Descriptions, Regulations, Policies and Procedures, Staffing/Scheduling, and Budgeting;
- (b) Infection Control and Sanitation;
- (c) Purchasing;
- (d) Equipment Maintenance and Operation;
- (e) Linen Supply/Storage/Inventory;

(4) Maintenance:

- (a) Department Organization; Job Descriptions, Regulations, Policies and Procedures, Staffing/Scheduling, and Budgeting;
- (b) Preventive Maintenance Programs;
- (c) A.N.S.I. Audit and Review;
- (d) Life Safety Code and Facility Systems;
- (e) OSHA; Hazardous Chemical Program; MSDS;
- (f) Emergency Preparedness;
- (g) Grounds and Facility Maintenance;
- (h) Lockout / Tagout;
- (i) Safety Committee;

(5) Nursing:

- (a) Department Organization; Job Descriptions, Regulations, Policies and Procedures, Staffing/Scheduling, and Budgeting;
- (b) Nursing Assistant Training / Medication Aide Training;
- (c) Admission Assessment and MDS / RAPS;
- (d) Comprehensive Plan of Care;
- (e) Restorative/Rehabilitation and Nursing;
- (f) Administrative/Storage/and Documentation of Drugs and Biological;
- (g) Infection Control – Standard Precautions;
- (h) Multiple Drug Resistant Organisms;
- (i) OSHA; Blood Borne Pathogens;

- (j) Nutrition Observation and Supervision;
- (k) Incident/Accident Reports;
- (l) Medical Terminology;

(6) Medical and Allied Health:

- (a) Medical Director;
- (b) Physician Services/Relationships;
- (c) Allied Health Providers;
- (d) Consultant Agreements;

(7) Medical Records / Health Information Management:

- (a) Department Organization; Job Descriptions, Regulations, Policies and Procedures, Staffing/Scheduling, and Budgeting;
- (b) Storage and Record Retention;
- (c) Release of Information Protocols;
- (d) ICD-9 Coding;

(8) Activities:

- (a) Department Organization; Job Descriptions, Regulations, Policies and Procedures, Staffing/Scheduling, and Budgeting;
- (b) Assessment – MDS / RAPS;
- (c) Comprehensive Care Plan;
- (d) Activity Calendar / 7 day week;
- (e) Volunteer Program;
- (f) 1 to 1 Activities and Recordkeeping;
- (g) Resident Council;

(9) Social Services:

- (a) Department Organization; Job Descriptions, Regulations, Policies and Procedures, Staffing/Scheduling, and Budgeting;
- (b) Pre-Admission and Admission;
- (c) MDS / RAPS and Assessment;
- (d) Comprehensive Care Plan;
- (e) Resident Rights;
- (f) Documentation;
- (g) Psycho-social Needs / Assessment;
- (h) Death and Dying / Grief Bereavement / Hospice Services;
- (i) Discharge Planning;
- (j) Support Services and Agencies;
- (k) Abuse and Neglect / Investigation and Reporting;

- (l) Behavioral Management;
- (m) Family Council;
- (n) Advanced Directives;

- d. Statement signed by the certified preceptor and trainee stating "I hereby state that the foregoing record of training indicates the true record for the above named administrator-in-training or mentor trainee".

106-004.02B Changes in Preceptor and/or Facility: The Department must be notified of any changes which occur during completion of the administrator-in-training or mentoring program. Such changes may include but are not limited to:

- 1. Change in certified preceptor;
- 2. Interruption in the duration of the approved administrator-in-training or mentoring program; or
- 3. Any request for termination of the administrator-in-training or mentoring program.

106-004.02C Process for Requesting a Change: The following must be submitted to the Department:

- 1. Application: Changes may be submitted on a form provided by the Department, or on an alternate form, which include:
 - a. Applicant Information:
 - (1) Name;
 - (2) Mailing Address;
 - (3) Telephone Number (Optional);
 - (4) Social Security Number;
 - b. Preceptor/Facility Information:
 - (1) Name of Preceptor;
 - (2) Name of Facility where Training will occur;
 - (3) Address of Facility; and
 - (4) Telephone Number of Facility (Optional); and
 - c. Date and Signature of Administrator-in-Training or Mentor Trainee and Certified Preceptor.

106.004.03 Administrator-in-Training or Mentoring Program Completed in Another State: Applicants who completed a training program in another state must meet the same requirements as pursuant to 172 NAC 106-004.02.

106-005 PROVISIONAL LICENSURE AS A NURSING HOME ADMINISTRATOR: If there is a vacancy in the position of licensed administrator of a home for the aged or infirm or nursing home, the owner, governing body, or other appropriate authority of the home for the aged or infirm or nursing home may select a person, not otherwise qualified for licensure as a nursing home administrator, to apply for a provisional license in nursing home administration to serve as the administrator of such facility.

Such license, if issued, will be issued to an individual in order to maintain the daily operations of the facility and may not be renewed. The criteria for issuance of a provisional license and the documentation required by the Board are set forth below:

106-005.01 Licensure Requirements:

1. Applicant must be at least 21 years of age;
2. The provisional licensee must be employed in the position of administrator of not less than 40 hours per week, to perform the duties of the nursing home administrator.
 - a. During this 40 hours per week, the provisional licensee can not concurrently complete the administrator-in-training program or provide services which require full dedication to the position, except that a person in a mentoring program may obtain a provisional license at the same time s/he is completing the mentoring program.
3. Have NO history of unprofessional conduct, denial, or disciplinary action against a nursing home administrator license or a license to practice any other profession by any lawful licensing authority for reasons outlined in 172 NAC 106-016 and Neb. Rev. Stat. §§71-147 and 71-148.

106-005.02 Duration of License and Extension

1. Expiration Date: The provisional license will be issued for no more than 180 calendar days.
2. Non-Renewal: The provisional license may not be renewed.
3. Extension: The Board may grant an extension not to exceed 90 days if the person seeking the provisional license is in a mentoring program.

106-005.03 Submit to the Board: The applicant must submit an application for provisional licensure to the Board. The application may be submitted on a form provided by the Department or on an alternate format, which includes the following information:

1. Applicant Information:
 - a. Name;
 - b. Mailing Address;
 - c. Telephone Number (Optional);
 - d. Social Security Number; and
 - e. Date of Birth; a birth certificate, marriage license, driver's abstract, or similar documentation is required;
2. Convictions and Other Licensing Information:
 - a. Evidence of any misdemeanor or felony convictions. If convicted, official court records which indicate, the circumstances and nature of the conviction, the date of the conviction, the name and location of court where the conviction was issued, the conditions and current disposition of probation, if applicable, treatment records, and other similar documentation which would provide a thorough evaluation of the conviction circumstances or may be requested by the Board;
 - b. If the applicant holds a license in another state(s), the name of such state(s);
 - c. If the applicant's license has ever been disciplined, evidence of the date and type of action and name and address of the entity taking such action;
 - d. If the applicant's license has ever been surrendered, evidence of the date and type of surrender and state of such surrender;
 - e. If the applicant's license was suspended or revoked, evidence of the date and type of action and name and address of entity taking such action;
3. Intended Facility of Employment:
 - a. Name of Facility to be Employed;
 - b. Address of Facility;
 - c. Name of Previous Administrator of Facility;
4. Statement that states, "I am of good moral character, and that the statements herein are true and complete".
5. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska prior to the application for a license; or
 - b. To the actual number of days practiced in Nebraska prior to the application for a license.

6. Fee: The required licensure fee; such fee is non-refundable.
7. Affidavit of Designation of a Provisional License: Signed affidavit completed by the owner, governing body, or other appropriate authority of the home for the aged or infirm which includes:
 - a. Name of Chairperson, governing body, or similar authority of the Nursing Home;
 - b. Name of applicant requesting a provisional license;
 - c. Name of previous administrator;
 - d. Proposed starting date; and
 - e. Reason for request (death of previous administrator, medical emergency, unexpected resignation of the licensed administrator, other).

106-005.04 Notification of Hiring Licensed Administrator: Upon the hiring of a licensed administrator or expiration of the provisional license in 180 days, which ever occurs first, the owner, governing body or other appropriate authority of the home for the aged or infirm must present written verification to the Board of a licensed Nursing Home Administrator assuming the operation of the home for the aged or infirm or nursing home.

106-005.05 Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 106-018, or such other action as provided in the statutes and regulations governing the credential.

106-005.06 Application Processing Time: The Board will act within 150 days upon all completed applications for provisional licensure.

106-006 PRECEPTOR CERTIFICATION: The criteria, experience, training, and documentation required by the Board are set forth below:

106-006.01 Requirements: The applicant must:

1. Have a current and active Nebraska Nursing Home Administrators license;
2. Have obtained three years of experience as a Nursing Home Administrator in the five years immediately preceding application for certification;
3. Have completed a preceptor training course (12 hours) approved by the Board; and

106-006.02 Application Process: The applicant must submit an application for certification as a preceptor to the Board. The application may be submitted on a form provided by the Department or on an alternate format, which includes the following information:

1. Applicant Information:
 - a. Name;
 - b. Mailing Address;
 - c. Telephone Number (Optional);
 - d. Social Security Number; and
 - e. Nursing Home Administrator License Number;
2. Experience:
 - a. Name of Nursing Home(s) where Experience Occurred;
 - b. Address of Nursing Home(s); and
 - c. Dates of Experience (From – To);
3. Preceptor Training Course:
 - a. Date of Preceptor Training; and
 - b. Name of Provider of Preceptor Training;
4. Statement that states “the statements herein are true and complete”;
5. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska prior to the application for a certificate; or
 - b. To the actual number of days practiced in Nebraska prior to the application for a certificate; and
6. Fee: The required certification application fee.

106-006.03 Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 106-018, or such other action as provided in the statutes and regulations governing the credential.

106-006.04 Application Processing Time: The Board will act within 150 days upon all completed applications for certification.

106-007 EXAMINATION ELIGIBILITY

106-007.01 Written Examination: To be eligible to take the written examination, an applicant must have received written notification from the Department of registration of the administrator-in-training (AIT) or mentoring program or, if an AIT or mentoring program is not required, evidence of completion of the appropriate degree as specified in 172 NAC 106-003. The license will not be issued until the applicant has completed all licensure requirements.

106-008 EXAMINATION PROCEDURES

106-008.01 Applicant Responsibility: The applicant must apply to take the examination directly with the National Association of Boards of Examiners in Long Term Care Administration (NAB) and apply to the Department for approval to take the examination.

106-008.02 Department Responsibilities: The Department will determine the applicant's eligibility to take the examination and notify NAB.

106-008.03 NAB Responsibilities: NAB will notify each eligible candidate for whom it has received the Department's approval

106-008.04 Failed Examination: An examinee who fails to obtain a passing score on the written examination may retake the examination in accordance with the policies of NAB.

106-008.05 Notification of Examination Results: The Department will notify an applicant in writing of the licensure examination results within 60 days after the administration of the examination(s).

106-009 PROCEDURES FOR RENEWAL OF A NURSING HOME ADMINISTRATOR LICENSE:

All Nursing Home Administrator licenses issued by the Department under the Act and these regulations expire on December 31 of each even-numbered year.

106-009.01 Renewal Process: Any licensee who wishes to renew his/her license must:

1. Meet the continuing competency requirements pursuant to 172 NAC 106-012;
2. Pay the renewal fee as pursuant to 172 NAC 106-017;
3. Respond to the following questions:
 - a. Has your license in any profession in another state been revoked, suspended, limited or disciplined in any manner?
 - b. Have you been convicted of a misdemeanor or felony?These questions relate to the time period since the last renewal of the license or during the time period since initial licensure in Nebraska if such occurred within the two years prior to the license expiration date.
4. Cause to be submitted to the Department:
 - a. The renewal notice;
 - b. The renewal fee;
 - c. Attestation of completing 50 hours of continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency. Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. §71-110;
 - d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;

- e. If the licensee has been convicted of a felony or misdemeanor:
 - (1) Official Court Record, which includes charges and disposition;
 - (2) Copies of arrest records;
 - (3) A letter from the licensee explaining the nature of the conviction;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the licensee is currently on probation.

106-009.02 First Notice: At least 30 days before December 31 of each even-numbered year, the Department will send a renewal notice by means of regular mail to each licensee at the licensee's last place of residence as noted in the records of the Department. It is the responsibility of the licensee prior to the renewal period to notify the Department of any name and/or address changes.

106-009.02A The renewal notice must specify:

- 1. The name of the licensee;
- 2. The licensee's last known address of record;
- 3. The license number;
- 4. The expiration date of the license;
- 5. The renewal fee as prescribed in 172 NAC 106-017;
- 6. The number of continuing education hours required for renewal; and
- 7. The option to place the license on inactive status.

106-009.02B The licensee must apply for renewal by submitting to the Department:

- 1. The renewal notice;
- 2. The renewal fee;
- 3. The licensee's social security number;
- 4. Attestation of completing 50 hours of continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency and a listing of the continuing competency activities completed; and
- 5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

106-009.02C If the licensee wishes to place his/her license on inactive status s/he must:

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1. Request that his/her license be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25.

106-009.02C1 The Department must notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on inactive status.

106-009.03 Second Notice: The Department must send to each licensee who fails to renew his/her license or place the license on inactive status in response to the first notice, a second notice of renewal in accordance with the requirements of 172 NAC 106-009.01 that specify:

1. That the licensee failed to pay the renewal fee;
2. That the license has expired;
3. That the licensee is subject to an administrative penalty pursuant to 172 NAC 106-018 if s/he practices after the expiration date;
4. That upon receipt of the renewal fee, together with an additional late fee of \$25, and documentation of continuing competency hours within that time, no order of revocation will be entered; and
5. That upon failure to receive \$25 in addition to the regular renewal fee, and documentation of continuing competency hours, the license will be revoked as specified in 172 NAC 106-013.

106-009.03A The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee and the additional late fee of \$25;
3. The licensee's social security number
4. Attestation by the licensee:
 - a. That s/he has not practiced in Nebraska since the expiration of his/her license; or
 - b. To the actual number of days practiced in Nebraska since the expiration of his/her license;
5. Attestation of completing 50 hours of continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency and a listing of the continuing competency activities completed; and
6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

106-009.03A1 If the licensee wishes to place his/her license on inactive status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25.

106-009.03A2 The Department must notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on inactive status.

106-009.04 When any licensee fails, within 30 days of expiration of a license, to pay the renewal fee, to submit documentation of continuing competency, and/or to pay an additional late fee of \$25, the Department will automatically revoke the license without further notice or hearing and make proper record of the revocation.

106-009.05 Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her license will constitute non-renewal of a license, unless a waiver of continuing competency is granted or the license is placed on inactive status. When any licensee fails, within 30 days of expiration of a license, to meet the continuing competency requirements for renewal and pay an additional late fee of \$25, the Department revokes the license after notice and opportunity for hearing. Hearings held before the Department must be conducted in accordance with Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

106-009.06 When the licensee has given notification to the Department that s/he desires to have the license be placed on inactive status upon expiration, 172 NAC 106-009.04 and 106-009.05 will not apply.

106-009.07 The Department may refuse to renew a license for falsification of any information submitted for renewal of a license. The refusal must be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, Rules of Practice and Procedure of the Department.

106-009.08 An individual who practices after expiration of his/her credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 106-018, or such other action as provided in the statutes and regulations governing the credential.

106-010 PROCEDURES FOR RENEWAL OF A PRECEPTOR CERTIFICATE: All Preceptor certificates issued by the Department under the Act and these regulations expire on December 31 of every four years from the date of issuance.

106-010.01 Renewal Process: Any licensee who wishes to renew his/her certificate must:

1. Meet the continuing competency requirements as pursuant to 172 NAC 106-012;

2. Pay the renewal fee pursuant to 172 NAC 106-017;
3. Respond to the following questions:
 - a. Has your license in any profession in another state been revoked, suspended, limited or disciplined in any manner?
 - b. Have you been convicted of a misdemeanor or felony?These questions relate to the time period since the last renewal of the certificate or during the time period since initial certification in Nebraska if such occurred within the two years prior to the certificate expiration date.
4. Cause to be submitted to the Department:
 - a. The renewal notice;
 - b. The renewal fee;
 - c. Attestation of completing 12 hours of continuing earned within 48 months of the date of expiration. Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. §71-110;
 - d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
 - e. If the certificate holder has been convicted of a felony or misdemeanor:
 - (1) Official Court Record, which includes charges and disposition;
 - (2) Copies of arrest records;
 - (3) A letter from the certificate holder explaining the nature of the conviction;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the licensee is currently on probation.

106-010.02 First Notice: At least 30 days before December 31 of every four years, the Department will send a renewal notice by means of regular mail to each certificate holder at the certificate holder's last place of residence as noted in the records of the Department. It is the responsibility of the certificate holder prior to the renewal period to notify the Department of any name and/or address changes.

106-010.02A The renewal notice must specify:

1. The name of the certificate holder;
2. The certificate holder's last known address of record;
3. The certificate number;
4. The expiration date of the certificate;
5. The renewal fee as pursuant to 172 NAC 106-017;
6. The number of continuing education hours required for renewal; and
7. The option to place the certificate on inactive status.

106-010.02B The certificate holder must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee;
3. The certificate holder's social security number;
4. Attestation of completing 12 hours of continuing education earned within 48 months of the date of expiration and a listing of the continuing competency activities completed; and
5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

106-010.02C If the certificate holder wishes to place his/her certificate on inactive status s/he must:

1. Request that his/her certificate be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25.

106-010.02D The Department will notify the certificate holder in writing of the acceptance or denial of the request to allow the certificate to be placed on inactive status.

106-010.03 Second Notice: The Department will send to each certificate holder who fails to renew his/her certificate or place the certificate on inactive status in response to the first notice, a second notice of renewal in accordance with the requirements of 172 NAC 106-009.01 that specify that:

1. The certificate holder failed to pay the renewal fee;
2. The certificate has expired;
3. The certificate holder is subject to an administrative penalty pursuant to 172 NAC 106-018 if s/he practices after the expiration date;
4. Upon receipt of the renewal fee, together with an additional late fee of \$25, and documentation of continuing competency hours within that time, no order of revocation will be entered; and
5. Upon failure to receive \$25 in addition to the regular renewal fee, and documentation of continuing competency hours, the certificate will be revoked pursuant to 172 NAC 106-013.

106-010.03A The certificate holder must apply for renewal by submitting to the Department:

1. The renewal notice;

2. The renewal fee and the additional late fee of \$25;
3. The certificate holder's social security number
4. Attestation by the certificate holder:
 - a. That s/he has not practiced in Nebraska since the expiration of his/her certificate; or
 - b. To the actual number of days practiced in Nebraska since the expiration of his/her certificate;
5. Attestation of completing 12 hours of continuing education earned within 48 months of the date of expiration and a listing of the continuing competency activities completed; and
6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

106-010.03A1 If the certificate holder wishes to place his/her certificate on inactive status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25.

106-010.03A2 The Department must notify the certificate holder in writing of the acceptance or denial of the request to allow the certificate to be placed on inactive status.

106-010.04 When any certificate holders fails, within 30 days of expiration of a certificate, to pay the renewal fee, to submit documentation of continuing competency, and/or to pay an additional late fee of \$25, the Department will automatically revoke the certificate without further notice or hearing and make proper record of the revocation.

106-010.05 Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her certificate holder will constitute non-renewal of a certificate, unless the certificate is placed on inactive status. When any certificate holder fails, within 30 days of expiration of a certificate, to meet the continuing competency requirements for renewal and pay an additional late fee of \$25, the Department revokes the certificate after notice and opportunity for hearing. Hearings held before the Department must be conducted in accordance with Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

106-010.06 When the certificate holder has given notification to the Department that s/he desires to have the certificate be placed on inactive status upon expiration, 172 NAC 106-010.04 and 106-010.05 will not apply.

106-010.07 The Department may refuse to renew a certificate for falsification of any information submitted for renewal of a certificate. The refusal must be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, Rules of Practice and Procedure of the Department.

106-010.08 An individual who practices after expiration of his/her credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 106-018, or such other action as provided in the statutes and regulations governing the credential.

106-011 WAIVER OF CONTINUING COMPETENCY: The Department, on the recommendation of the Board, may waive the continuing competency requirements, in whole or in part, for any two-year period since the license was last issued when a licensee submits documentation that circumstances beyond his/her control prevented him or her from completing such requirements. The Department must receive this request on or before December 31st of the year the license is subject to renewal. 172 NAC 106-011 does not apply to preceptor certificates.

106-011.01 Waiver Circumstances: The circumstances and documentation required are set forth below. The licensee must:

1. Have been in the service of the regular armed forces of the United States during any part of the 24 months since his/her license was issued or last renewed; or
 - a. The licensee must submit official documentation stating dates of service; or
2. Have been first licensed in Nebraska within 24 months immediately preceding the license or renewal date; or
3. Have been licensed in Nebraska, but did not reside in Nebraska during the 24 months immediately preceding the renewal date; or
4. Have been suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours since his/her license was issued or last renewed.
 - a. The licensee must submit a statement from a physician stating that the licensee and/or certificate holder was injured or ill, the duration of the illness or injury and the recovery period; and that the licensee and/or certificate holder was unable to attend continuing education activities during that period; or
5. Is an administrator of a facility caring primarily for persons with head injuries and associated disorders.

106-011.02 Approval/Denial: The Board may grant or deny an application for exemption from continuing education requirements.

1. Denial: When the Board determines to deny an application for exemption from continuing education requirements, the Department will send to the applicant by certified mail to the last name and address of record in the Department a notice setting forth the reasons for the denial determination.
2. Appeal: The applicant has 30 days from the date of receipt of the denial notice to make a written request to the Board for an appeal. The appeal will be conducted in accordance with 184 NAC 1, Rules of Practice and Procedure of the Department of Health and Human Services Regulation and Licensure.
3. Appeal Results: The Board will issue at the conclusion of the appeal pursuant to 184 NAC 1, Rules of Practice and Procedure of the Department of Health and Human Services Regulation and Licensure, a final order setting forth the results of the appeal.

106-012 CONTINUING COMPETENCY REQUIREMENTS

106-012.01 Nursing Home Administrator - Continuing Competency Requirements: On or before December 31st of each even numbered year, each nursing home administrator holding an active license in the State of Nebraska must:

1. Complete at least 50 hours of approved continuing education during the preceding 24-month period. No more than the total number of approved hours offered in Nebraska will be required during this period.
 - a. Academic Credit: A maximum of 25 hours of continuing education credit per a biennial renewal period may be obtained through academic credit; continuing education obtained through academic credit is calculated as follows:
 - (1) 1 semester hour of academic credit equals 5 continuing education credit hours; and
 - (2) 1-quarter hour of academic credit equals 3 continuing education credit hours;
 - b. Home Study: A maximum of 25 hours of continuing education credit per a biennial renewal period may be obtained through home study programs.
 - c. Continuing Education Programs: 60 minutes of participation equals 1 continuing education hour/credit.
2. Be responsible for:
 - a. Maintaining a record of attendance at approved continuing education programs;

- b. Verifying with the Department that the continuing education program is approved by the Board;
 - c. Maintaining documentation of attendance at approved continuing education programs. Subject matter acceptable for continuing education credit is described as follows:
 - (1) Courses, clinics, forums, lectures, college/university courses, workshops or educational seminars relating to health care administration as defined by the following:
 - (a) Applicable standards of environmental health and safety;
 - (b) Applicable health and safety regulations;
 - (c) General administration;
 - (d) Psychology of patient care;
 - (e) Principles of patient care;
 - (f) Personal and social care of residents;
 - (g) Therapeutic and supportive care and services in long-term care;
 - (h) Facility departmental organization and management; and
 - (i) Community health/service organizations.
 - d. If the licensee is a presenter, maintaining documentation of his/her presentation of an approved continuing education program. A presenter may receive credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program.
3. If applicable, file a request for exemption from the continuing competency requirements pursuant to 172 NAC 106-011.
4. Submit to the Department, on the renewal form, verification of meeting the continuing competency requirements. The completed form must include the following information:
- a. The title of the program/activity;
 - b. The number of hours of approved continuing competency credit received for each program/activity;
 - c. The date(s) of the continuing competency program/activity;
 - d. The location of the continuing competency program/activity; and
 - e. The name of the provider of the continuing competency program/activity.
5. Board Review: The Board will not renew or reinstate the license of any person who has not complied with the continuing competency requirements of 172 NAC 106-012.

106-012.02 Certified Preceptor - Continuing Competency Requirements: Each Nursing Home Administrator holding a preceptor certificate in the State of Nebraska must complete at least 12 hours of approved preceptor training. Beginning December 1, 2000, all preceptor certificates expire on December 31st of every four years from the date of issuance.

106-012.02A Renewal Procedures: To renew the certificate a preceptor must:

1. Training: Complete at least 12 hours of approved preceptor training during the preceding 48-month period. No more than the total number of approved hours offered in Nebraska will be required during this period; and
2. Certificate Holder's Responsibilities: Be responsible for:
 - a. Maintaining a record of attendance at approved preceptor programs;
 - b. Verifying with the Department that the preceptor program is approved by the Board;
 - c. Maintaining documentation of attendance at approved preceptor programs;
 - d. If the licensee is a presenter, maintaining documentation of his/her presentation of an approved continuing education program. A presenter may receive credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program; and
 - e. Submit to the Department, on the renewal form, verification of meeting the continuing competency requirements. The completed form must include the following information:
 - (1) The title of the program/activity;
 - (2) The number of hours of approved continuing competency credit received for each program/activity;
 - (3) The date(s) of the continuing competency program/activity;
 - (4) The location of the continuing competency program/activity;
and
 - (5) The name of the provider of the continuing competency program/activity.
3. Board Review. The Board will not renew or reinstate the certificate of any person who has not complied with the preceptor requirements of this act.

106-012.03 Continuing Education Program Evaluation – Procedures for Review: The Board will evaluate applications from providers/and or licensees for approval of continuing education programs in order to determine if approval is to be granted or denied.

106-012.03A Program Criteria: To be approved, a continuing education program must meet the following criteria:

1. The program must be at least 60 minutes in duration;
2. The program's objectives must relate directly to the practice of Nursing Home Administration, pursuant to 172 NAC 106-012.01, item 2c(1);
3. Presenters of programs must be qualified by education, experience or training;
4. Programs must be open to all Nursing Home Administrators licensed by Nebraska who meet the pre-requisites for the program programs must be open to all Preceptors certified by Nebraska who meet the pre-requisites for the program; and
5. Program providers must have a process for verifying attendance.

106-012.03B Procedures For Requesting Approval of Continuing Education Program: To obtain approval of a continuing education program, a provider/and or licensee must submit a request for review and approval. Such request may be submitted on a form provided by the Department or on an alternate format. The following information must be included with the request:

1. A copy of the agenda of the program indicating actual presentation times, lunch and breaks;
2. The name of the program;
3. A description of program objectives;
4. A description of the qualifications of each presenter. Curriculum vita, resume, or documentation of training in a presentation of programs pertaining to nursing home administration may also be submitted as supporting documentation of the presenter's qualifications;
5. The number of hours for which approval is requested;
6. The name, address and telephone number of the provider and its administrator or operating officer;
7. A description of the process the provider uses to verify attendance by the licensee/certificate holder;
8. A sample copy of the documentation the provider issues to the licensee/certificate holder as proof of attendance at the program;

9. The date, time and place of the program;
10. The required continuing education application fee; and
11. Such additional documents or information as the applicant may consider relevant to the request for review and approval of a continuing education program and in compliance with the Act and these regulations.

106-012.03C Incomplete Application: In the event a request for continuing education approval is determined to be incomplete, the Division will notify the applicant of the information necessary to complete the request and retain the information on file, pending receipt of such additional information.

106-012.04 Criteria for a Home Study Program: The Board will evaluate requests for approval of home study programs to determine if approval is to be granted or denied. A maximum of 25 hours of continuing education credit per a biennial renewal period may be obtained through home study programs. To be approved, a home study program must meet the following criteria:

1. Objectives: The home study program's objectives must relate directly to the enhancement of practice/skills of Nursing Home Administration;
 - a. The home study program may be any combination of or just one of the following: videotapes, audiotapes, textbook, Internet, or teleconference;
2. Author: Program author(s) of home study programs must meet the following qualifications:
 - a. Have experience in long term care, if appropriate, content and subject matter;
 - b. Have expertise in teaching and instructional methods suitable to subject presented; and
 - c. Have suitable academic qualifications, certification credentials, and/or experience for subject presented;
3. Hours: The provider must describe the method/rational used for determining the number of clock hours to be awarded;
4. Procedures for Requesting Approval of a Home Study Program: To obtain approval of a home study program, a provider must submit a copy of the total home study program along with a request for approval. Such request may be submitted on a form provided by the Department or on an alternate format, which includes the following information:
 - a. The name of the textbook or other training material utilized;

- b. The home study program description:
 - (1) Must describe the learning objectives;
 - (2) Must include an outline of the course content;
 - (3) Must include instructions for program completion; and
 - (4) Must include a pre- and post-test as a part of the home study program;
- c. A description of the qualifications of the provider and/or other contributors to the program;
- d. The number of hours for which approval is requested;
- e. A detailed description of the method/formula used for determining the number of clock hours requested.
- f. The name, address and telephone number of the provider and the program author(s);
- g. A sample copy of the documentation the provider issues to the licensee as proof of completion of the home study program. The certificate of completion:
 - (1) Must document the participant obtained a score of 70% or better on the post-test; and
 - (2) Must list the number of approved hours; and
 - (3) Must list the date of completion;
- h. The required continuing education application fee; and
- i. Such additional documents or information as the applicant may consider relevant to the request for review and approval of continuing education program and in compliance with the Act and these regulations.

106-012.04A Incomplete Applications: In the event a request for home study approval is determined to be incomplete, the Division will notify the applicant of the information necessary to complete the request and retain the information on file, pending receipt of such additional information.

106-012.05 National, Regional and International Sponsored Programs: Programs approved by the National Association of Boards of Examiners in Nursing Home Administration (NAB) or by the National Continuing Education Review Service (NCERS) need not apply for approval and are considered "Board Approved". Only the number of hours indicated as approved by NAB or NCERS will be acceptable for renewal.

106-012.06 Continuing Approval: Once a request for approval of a continuing education program has been granted by the Board, re-approval will not be required for each occasion on which such course is administered within the biennium, so long as the course is not

changed, or so long as the course requirements are not changed by law. If the course, or any portion of a course is changed within the biennium, reapplication must be made in accordance with 172 NAC 106-012. If the course is to be given during subsequent bienniums, a completed new request is necessary.

106-012.07 Prior Approval: To obtain prior approval of a continuing education program, a completed request must be received by the Division at least 45 days prior to the date on which the program is to be given. The Board will act within 60 days upon all completed requests for continuing education approval and will notify the applicant.

106-012.08 Post-Program Approval: Requests for approval of a continuing education program may be made after the program has occurred.

106-012.09 Advertisement of Approvals: After the Board has granted its written approval of the continuing education program, the provider is entitled to state upon its publications: "This program is approved for _____ [number of hours approved] Nebraska Nursing Home Administration continuing education hours."

106-012.10 Continuing Education Certificate of Completion: Each provider of an approved continuing education program must furnish to each person completing the program a certificate of completion.

1. Each certificate must include the following:
 - a. Program name;
 - b. Name of the participant and his or her license/certificate number;
 - c. Provider's name;
 - d. Date the program began and ended; and
 - e. Number of hours received by the licensee/certificate holder, not to exceed the number of hours granted for the program.
2. Presentation of the certificate constitutes evidence that the person complied with all requirements of the program and completed the program.

106-012.11 Program Monitoring: The provider must employ a reliable system to monitor the physical presence of participants throughout the entire program. If a participant chooses not to participate in the entire program, the certificate of attendance must reflect the participant's actual hours of attendance.

106-012.12 Denial of Continuing Education Programs: The Board may deny a request for approval of a continuing education program, or suspend or revoke approval of such.

106-012.12A A program may be denied on any of the following grounds:

1. Fraud or misrepresentation of information in a request;

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2. Program content or the presenter's qualifications fail to meet requirements specified in 172 NAC 106-012.03;
3. The program's objectives do not relate to the practice of Nursing Home Administration;
4. Failure to meet the requirements of 172 NAC 106-012; and
5. Failure to reflect participant's actual hours of attendance upon the certificate issued.

106-012.12B The Board may grant or deny a request for approval of continuing education programs. Should the Board determine to deny a request, the Division will send to the applicant by either certified or registered mail to the last address of record in the Department a notice setting forth the reasons for the determination.

1. Denial of a request submitted by a provider becomes final 30 calendar days after receipt of the notice unless the applicant within such 30-day period gives written notice to the Board of a desire for hearing. The hearing will be conducted in accordance with 184 NAC 1, Rules of Practice and Procedure of the Department.

106-012.13 Failure to Meet Continuing Competency Requirements: The Board will revoke the license/certificate of any licensee/certificate holder who has failed to satisfy the continuing competency requirements of Neb. Rev. Stat. § 71-6055(b)(i) or § 71-6060 or these regulations, unless such licensee has been granted an exemption as specified in 172 NAC 106-011. The Department will provide notices to the licensee/certificate holder of failure to meet continuing competency requirements in accordance with the procedures set forth in Neb. Rev. Stat. § 71-6061. Upon the failure of the licensee/certificate holder to respond to such notices, the Board will issue an order of revocation. The revocation will be final, unless, within 30 days after the mailing of the order, the licensee/certificate holder provides written notice to the Department of a desire for hearing. Hearings will be conducted in accordance with 184 NAC 1 Rules of Practice and Procedure of the Department.

106-013 CREDENTIAL REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS:
The Department may revoke a credential when the credential holder fails to meet the renewal requirements.

106-013.01 Revocation for Nonpayment of Renewal Fee or Late Fee, or Failure to Submit Documentation of Continuing Competency within Thirty Days of Expiration of the Credential

106-013.01A When a credential holder fails to pay the required renewal fee, to submit documentation of continuing competency, and/or to pay a late fee of \$25 and fails to request that his/her credential be placed on inactive status within 30 days of its expiration, the Department automatically revokes the credential without further notice or hearing.

106-013.01A1 A post revocation notice will be sent which will specify that:

1. The credential holder was given a first and final notice of renewal requirements and the respective dates for these notices;
2. The credential failed to renew the credential or to request that his/her credential be placed on inactive status;
3. The Department has revoked the credential; and
4. The credential holder has a right to request reinstatement of the credential.

106-013.02 Revocation for Failure to Meet Continuing Competency Requirements

106.013.02A When a credential holder fails within 30 days of the expiration of his/her credential to meet the continuing competency requirement, the Department revokes his/her credential after notice and opportunity for a hearing.

106.013.02A1 The revocation notice for failure to meet continuing competency requirements specifies that:

1. The credential holder was given a first and second notice of failure to meet the continuing competency requirement and the respective dates of each notice;
2. The credential holder failed to meet continuing competency renewal requirements or to have his/her credential timely placed on inactive status;
3. The credential has been revoked for failure to meet continuing competency requirements within thirty days after expiration of the credential and that the revocation will become final unless a request for hearing is filed by the credential holder with the Department within 30 days of date of receipt of the notice; and
4. The credential holder has a right to request reinstatement of the credential after revocation.-

106-013.03 Revocation of Preceptor Certificate for Failure to Meet Preceptor Training Requirements

106-013.03A When a credential holder fails within 30 days of the expiration of his/her credential to meet the preceptor training requirements, the Department revokes his/her credential after notice and opportunity for a hearing.

106-013.03A1 The revocation notice for failure to preceptor training requirements specifies that:

1. The credential holder was given a first and second notice of failure to meet the preceptor training requirements and the respective dates of each notice;
2. The credential holder failed to meet preceptor training requirements or to have his/her credential timely placed on inactive status;
3. The credential has been revoked for failure to meet preceptor training requirements within thirty days after expiration of the credential and that the revocation will become final unless a request for hearing is filed by the credential holder with the Department within 30 days of date of receipt of the notice; and
4. The credential holder has a right to request reinstatement of the credential after revocation.

106-014 RE-CREDENTIALING: This section applies to individuals previously issued a Nebraska credential who have lost the legal authority to practice in total or in part and who seek the authority to return to practice in Nebraska with a valid Nebraska credential.

106-014.01 Eligibility

106-014.01A An individual whose credential has been previously:

1. Placed on inactive status;
2. Revoked for failure to meet the renewal requirements;
3. Suspended or limited for disciplinary reasons; or
4. Voluntarily surrendered or voluntarily limited for an indefinite period of time;

may request, at any time, to be re-credentialed and re-authorized to practice under the credential, in accord with these regulations.

106-014.01B An individual whose credential has been revoked for disciplinary reasons may apply for reinstatement only after a period of two years has elapsed from the date of revocation.

106-014.01C An individual who practices prior to re-credentialing is subject to:

1. Assessment of an Administrative Penalty pursuant to 172 NAC 106-018, and
2. Limitation or other sanction on the credential, or denial of the request to be re-credentialed and re-authorized to practice under the credential, and referral for prosecution for uncredentialed practice, as provided in the statutes and regulations governing the credential.

106-014.02 Requirements to Move a Credential from Inactive to Active Status: A person whose credential has been placed on inactive status may have his/her credential moved from

inactive to active status upon proof to the Department that s/he meets the following requirements:

1. Meet renewal requirements, including:
 - a. The continuing competency requirements; and
 - b. Paying the renewal fee and any other applicable fees; and
2. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

106-014.03 Procedures for Moving from Inactive to Active Status: To move a credential from inactive status to active status, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor,
provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
 - (a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential

- held by the applicant;
- f. Verification that the continuing competency requirements for renewal have been met;
- 2. The renewal fee and any other applicable fees; and
- 3. Attestation by applicant:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

106-014.03A If an applicant has practiced while his/her credential was inactive, the Department may:

- 1. Assess an Administrative Penalty pursuant to 172 NAC 106-018;
- 2. Initiate disciplinary action against the credential;
- 3. Deny the request to move the credential from inactive to active status; or
- 4. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

106-014.03B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

- 1. Initiate disciplinary action against the credential;
- 2. Deny the request to move the credential from inactive to active status; or
- 3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

106-014.03C In either event pursuant to 172 NAC 106-014.03A or 106-014.03B, a notice and the opportunity for hearing will be given to the applicant.

106-014.03D The Department will act within 150 days on all completed applications.

106-014.04 Requirements for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies not more than one year following revocation for failure to meet renewal requirements must:

- 1. Meet the renewal requirements, including:
 - a. The continuing competency requirements; and
 - b. Paying the renewal fee, the late fee of \$35 and any other applicable fees; and
- 2. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

106-014.05 Procedures for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: To reinstate a credential not more than one year following revocation for failure to meet renewal requirements, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - [a] If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was revoked;
 - [a] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the applicant.
 - f. Verification that the continuing competency requirements for renewal have been met;
2. The renewal fee, the late fee of \$35 and any other applicable fees; and
3. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

- (1) If an applicant has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 106-018 in which case a notice and opportunity for hearing will be sent to the applicant.
- (2) If an applicant has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 106-014.05B.

The Department will forward the application to the Board for its recommendation pursuant to Neb. Rev. Stat. § 71-110 (5).

106-014.05A The Board's recommendation to the Department may be to:

1. Reinstate the credential;
2. Reinstate the credential with terms, conditions or restrictions; or
3. Deny reinstatement.

106-014.05B Upon receipt of the Board's recommendation, the Department will, within 150 days, send to the applicant a written notice of the Department's response. The Department may:

1. Reinstate the credential. An Administrative Penalty may be assessed pursuant to 172 NAC 106-018 if warranted;
2. If the Department determines that the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. §§ 71-147 or 71-148, the Department may:
 - a. Reinstate the credential with terms, conditions, or restrictions. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920. An Administrative Penalty may be assessed pursuant to 172 NAC 106-018 if warranted; or
 - b. Deny reinstatement. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920.

106-014.06 Requirements for Reinstatement More Than One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies more than one year after revocation for failure to meet the renewal requirements must:

1. Petition the Board for reinstatement pursuant to Neb. Rev. Stat. § 71-161.05. The petition for reinstatement must be accompanied by:
 - a. Verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and

- b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked;
- 2. Meet the renewal requirements, including:
 - a. The continuing competency requirements; and
 - b. Paying the renewal fee, the late fee of \$75, and any other applicable fees; and
- 3. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

106-014.07 Procedures for Reinstatement More Than One Year Following Revocation for Failure to Meet Renewal Requirements: An applicant for reinstatement more than one year following revocation for failure to meet renewal requirements must submit to the Board:

- 1. A petition for reinstatement:
 - a. Stating the reason the petitioner believes his/her credential should be reinstated;
 - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.
 - c. Containing the following information about the petitioner:
 - (1) Name;
 - (2) Address;
 - (3) Social security number; and
 - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
 - (5) A statement describing all:
 - (a) Felony or misdemeanor convictions during the time period since the credential was active;
 - [1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
 - [a] Official Court Record, which includes charges and disposition;
 - [b] Arrest records;
 - [c] A letter from the petitioner explaining the nature of the conviction;
 - [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment

- was obtained and/or required; and
 - [e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.
 - (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was revoked;
 - [1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (c) Disciplinary charges pending against any professional credential held by the petitioner.
 - (6) Verification that the continuing competency requirements for renewal have been met.
- 2. The renewal fee, the late fee of \$75 and any other applicable fees; and
- 3. Attestation by the petitioner:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
 - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 106-018 in which case a notice and opportunity for hearing will be sent to the petitioner.
 - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 106- 014.07E.

106-014.07A The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

106-014.07B Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

106-014.07C If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

106-014.07D Prior to any recommendation by the Board against reinstatement of the credential an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

106-014.07D1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

106-014.07E If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

106-014.07F The Board will review the petition to recommend reinstatement and the record of any hearing held and submit its recommendation regarding reinstatement and the record on which such recommendation is made to the Department within 180 days of receipt of the petition to recommend reinstatement.

106-014.07F1 If the Board recommends reinstatement of the credential, the Department may:

1. Accept the Board's recommendation and grant reinstatement of the credential; or
2. If the Department determines that the Board's recommendation is: in excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence; or arbitrary or capricious, not accept the Board's recommendation and either:
 - a. Deny reinstatement of the credential, or
 - b. Grant reinstatement with terms, conditions, or restrictions.

106-014.07F2 If the Board recommends denial of reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

106-014.07F3 If the Board recommends reinstatement with terms, conditions, or restrictions, the Department may:

1. Accept the Board's recommendation and grant reinstatement with terms, conditions, or restrictions; or
2. Not accept the Board's recommendation and either:
 - a. Deny reinstatement of the credential; or
 - b. Grant reinstatement of the credential.

106-014.07F4 The Department will, within 150 days of receipt of the Board's recommendation, send to the petitioner a written notice of the Department's reinstatement with or without terms, conditions, or restrictions or denial of reinstatement of the credential.

106-014.07F5 The petitioner may appeal the Department's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

106-014.08 Requirements to Reinstate a Credential Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must meet the following requirements:

1. Petition the Board for reinstatement must be accompanied by:
 - a. Verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and
 - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.
2. Pay the reinstatement fee of \$75, and other profession-specific requirements if expressly set by law; and
3. If the credential was revoked or suspended, attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

106-014.09 Procedures for Reinstatement Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must submit to the Board:

1. A petition for reinstatement:
 - a. Stating the reason the petitioner believes his/her credential should be reinstated;
 - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.
 - c. Containing the following information about the petitioner:
 - (1) Name;
 - (2) Address;
 - (3) Social security number;
 - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
 - (5) A statement describing all:
 - (a) Felony or misdemeanor convictions during the time period since the credential was suspended, limited, or revoked;

- [1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
 - [a] Official Court Record, which includes charges and disposition;
 - [b] Arrest records;
 - [c] A letter from the petitioner explaining the nature of the conviction;
 - [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.
 - (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was suspended, limited, or revoked;
 - [1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (c) Disciplinary charges pending against any professional credential held by the petitioner; and
 - (6) Any continuing competency activities;
- 2. The reinstatement fee of \$75; and
- 3. Attestation by the petitioner, if the credential was revoked or suspended:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
 - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 106-018 in which case a separate notice and opportunity for hearing will be sent to the petitioner.
 - (2) If a petitioner has practiced after his/her credential was revoked or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 106-014.09F.

106-014.09A The Board will make a recommendation to the Director regarding reinstatement following disciplinary action. In determining whether reinstatement should be recommended, the Board may:

1. Request the Department investigate all activities of the petitioner since the disciplinary action was taken against him/her, including activities prohibited by Neb. Rev. Stat. §§71-147 and 71-148.

2. Require the petitioner to submit to a complete diagnostic examination by one or more physicians appointed by the Board, the petitioner being free also to consult a physician or physicians of his/her own choice for a complete diagnostic examination and make available a report or reports thereof to the Board;
3. Require the petitioner to pass a written, oral, or practical examination or any combination of such examinations; or
4. Require the petitioner to complete additional education.

106-014.09B The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

106-014.09C Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

106-014.09D If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

106-014.09E Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

106-014.09E1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

106-014.09E2 If the petitioner had a hearing or an opportunity for a hearing on a prior petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04 within a period of two years immediately preceding the filing of this petition, the Board may grant or deny, without a hearing, any petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04.

106-014.09F If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

106-014.09G The Board reviews the petition to recommend reinstatement, any examination or investigatory information and the record of hearing, if one was held. The Board will submit its recommendation to the Director within 180 days of receipt of the petition to recommend reinstatement.

106-014.09G1 If the Board recommends reinstatement of the credential:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.
2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
 - a. The application must include:
 - (1) Name of the petitioner; and
 - (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
 - a. The application;
 - b. The written recommendation of the Board, including any finding of fact or order of the Board;
 - c. The petition submitted to the Board;
 - d. The record of hearing, if any;
 - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.
 - a. When the Director affirms, modifies, or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
 - b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

106-014.09G2 If the Board recommends reinstatement of the credential with terms, conditions, or restrictions:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.
2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
 - a. The application must include:
 - (1) Name of the petitioner; and
 - (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
 - a. The application;
 - b. The written recommendation of the Board, including any finding of fact or order of the Board;
 - c. The petition submitted to the Board;
 - d. The record of hearing, if any;
 - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.
 - a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
 - b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster

County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

106-014.09G3 If the Board denies reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation to deny reinstatement. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

106-014.10 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time

106-014.10A Credentials voluntarily surrendered or limited for an indefinite period of time pursuant to Neb. Rev. Stat. §71-161.11 may be restored at the discretion of the Department.

106-014.10A1 An applicant for restoration of a credential that was voluntarily surrendered or limited for an indefinite period of time must submit to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
 - (a) If any disciplinary action was taken against the applicant's credential by another state, submit an

- official copy of the disciplinary action, including charges and disposition; and
- (3) Disciplinary charges pending against any professional credential held by the applicant.
- f. Documentation of any continuing competency activities; and
 - g. An attestation:
 - (1) That s/he has not practiced in Nebraska prior to the voluntary surrender of his/her credential; or
 - (2) To the actual number of days practiced if the applicant has practiced in Nebraska prior to the voluntary surrender of his/her credential.

106-014.10A2 If an applicant has practiced while his/her credential was voluntarily surrendered, the Department may:

- 1. Assess an Administrative Penalty pursuant to 172 NAC 106-018;
- 2. Initiate disciplinary action against the credential;
- 3. Deny the request to restore the credential; or
- 4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

106-014.10A3 If an applicant has committed any other violation of the statutes and regulations governing the credential while his/her credential was voluntarily surrendered or limited, the Department may:

- 1. Initiate disciplinary action against the credential;
- 2. Deny the request for restoration of the credential; or
- 3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

106-014.10A4 In either event pursuant to 172 NAC 106-014.11A2 or 106-014.11A3, a notice and the opportunity for hearing will be given to the applicant.

106-014.10A5 The Department will act within 150 days on all completed applications.

106-014.11 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time.

106-014.11A Credentials voluntarily surrendered or limited for a specific and definite period of time as agreed to between the holder and Department pursuant to Neb. Rev. Stat. § 71-161.11 will be automatically restored at the expiration of that period of time.

106-014.11B If an individual has practiced while his/her credential was voluntarily surrendered for a specific and definite period of time, the Department may assess an Administrative Penalty pursuant to 172 NAC 106-018.

106-014.12 Credentials Voluntarily Surrendered or Limited Permanently: Credentials that are voluntarily surrendered or limited permanently pursuant to Neb. Rev. Stat. § 71-161.11 will

not be restored.

106-015 GROUNDS ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, OR DISCIPLINE A LICENSE

106-015.01 The Department will deny an application for a license when the applicant fails to meet the requirements for licensure as specified in 172 NAC 106-003 or 106-004 or for any of the grounds in 172 NAC 106-015.03.

106-015.02 The Department will refuse renewal of a license if the licensee fails to meet the requirements specified in 172 NAC 106-013, or in 172 NAC 106-015.03.

106-015.03 The Department may deny, refuse renewal of, limit, suspend, or revoke licenses for any of the following grounds:

1. Fraud in procuring a license;
2. Immoral, unprofessional, or dishonorable conduct;
3. Habitual intoxication or addiction to the use of drugs;
4. Distribution of intoxicating liquors or drugs for other than lawful purposes;
5. Conviction of a felony;
6. Physical or mental incapacity to perform professional duties;
7. Violation of any provision of Neb. Rev. Stat. § 71-6053 to 71-6068 or standards, rules, and regulations adopted and promulgated thereunder or of any law or standards, rules, and regulations adopted and promulgated by the Department relating to the proper administration and management of a home for the aged or infirm or nursing home;
8. Failure to pay the required fees;
9. Fraud, forgery, or misrepresentation of material facts in procuring or attempting to procure a license, certificate, or registration;
10. Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this state;
11. Habitual intoxication or dependence or failure to comply with a treatment program or an aftercare program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. §71-172.01;

12. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's, licensee's, certificate holder's, or registrant's fitness or capacity to practice the profession;
13. Practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, (d) with gross incompetence or gross negligence, or (e) in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession;
14. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability;
15. Physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means;
16. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license, certificate, or registration by a person not licensed, certified, or registered to do so;
17. Having had his/her license, certificate, or registration denied, refused renewal, limited, suspended, or revoked or having had such license, certificate, or registration disciplined in any other manner in accordance with Neb. Rev. Stat. § 71-155 by another state or jurisdiction to practice the particular profession involved, based upon acts by the applicant, licensee, certificate holder, or registrant similar to acts described in this section. A certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license, certificate, or registration or the taking of other disciplinary measures against it by another state or jurisdiction is conclusive evidence;
18. Unprofessional conduct;
19. Use of untruthful or improbable statements or flamboyant, exaggerated, or extravagant claims, concerning such licensee's, certificate holder's, or registrant's professional excellence or abilities, in advertisements;
20. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;
21. Distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;

22. Willful or repeated violations of the Uniform Licensing Law or the rules and regulations of the Department relating to the licensee's, certificate holder's, or registrant's profession, sanitation, quarantine, or school inspection;
23. Unlawful invasion of the field of practice of any profession mentioned in the Uniform Licensing Law which the licensee, certificate holder, or registrant is not licensed, certified, or registered to practice;
24. Failure to comply with Neb. Rev. Stat. § 71-604, 71-605, and 71-606 relating to the signing of birth and death certificates;
25. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act;
26. Purchasing or receiving any prescription drug from any source in violation of the Wholesale Drug Distributor Licensing Act;
27. Violation of the Emergency Box Drug Act;
28. Failure to file a report required by Neb. Rev. Stat. § 71-168;
29. Failure to disclose the information required by 71-1,314.01;
30. Failure to disclose the information required by Neb. Rev. Stat. § 71-1,319.01; or
31. Failure to disclose the information required by Neb. Rev. Stat. § 71-1,206.34.

A license, certificate, or registration to practice a profession may also be refused renewal or revoked when the licensee, certificate holder, or registrant is guilty of practicing such profession while his/her

license, certificate, or registration to do so is suspended or is guilty of practicing such profession in contravention of any limitation placed upon his/her license, certificate, or registration.

Except in cases of failure to pay the required fees, no license will be denied, suspended, limited, refused renewal, or revoked except after due notice and opportunity for a hearing. Disciplinary actions and proceedings will be conducted as specified in the Uniform Licensing Law. Any denial, suspension, limitation, refusal of renewal, or revocation of such license may be appealed, and the appeal will be in accordance with the Administrative Procedure Act. A person whose license has been revoked, suspended, or limited may petition the board for reinstatement in the manner provided by Neb. Rev. Stat. §§ 71-161.04 to 71-161.06.

106-016 UNPROFESSIONAL CONDUCT: Nursing home administrator behavior (acts, knowledge, and practices) which fails to conform to the accepted standards of the nursing home administrator profession constitutes unprofessional conduct and includes but are not limited to those specified in Neb. Rev. Stat. § 71-148 and the following:

1. Failure to utilize appropriate judgement in administering safe nursing home practices.
2. Failure to exercise competence in carrying out nursing home administration.
3. Failure to follow policies or procedures implemented in the practice situation to safeguard patient or resident care.
4. Failure to safeguard the patient's or resident's dignity and right to privacy.
5. Violating the confidentiality of information or knowledge concerning the patient or resident.
6. Mentally, verbally, or physically abusing patients or residents.
7. Failure to seek proper education and preparation for new nursing home administrator techniques or procedures.
8. Falsifying patient's or resident's records.
9. Misappropriation of medications, supplies or personal items of the patient or resident or agency.
10. Violating state or federal laws relative to drugs or forging prescriptions or by making drugs available to self, friends, or family member.
11. Falsifying records submitted to the Board of Examiners in Nursing Home Administration or to the State Department of Health and Human Services Regulation and Licensure, or other State Agency.
12. Committing any act which endangers patient or resident welfare or safety.
13. Failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional.
14. Leaving a nursing home administrator assignment or post without properly notifying appropriate substitute personnel.
15. Failure to report through the proper channels the incompetent, unethical, or illegal practice of any person who is providing or who is purporting to provide health care.
16. Altering a license by changing the expiration date, license number or any other information appearing on the license.

17. Intentional falsification of material facts in a material document connected with the practice of nursing home administration.
18. Violating any term of probation, condition, or limitation imposed on the licensee by the Board or Department.
19. Sexual contact or engaging in any other activities of a sexual nature with a patient.
20. Non-consensual sexual contact with a fellow employee.
21. Failure to file a report required by Neb. Rev. Stat. § 71-168 of the Uniform Licensing Law.
22. Having a license or certificate in a related health care discipline in the State of Nebraska or in another state denied, refused renewal, revoked, or suspended for any one or more of the preceding actions or conduct.

106-017 SCHEDULE OF FEES: The following fees have been set by the Board and the Department:

106-017.01 Initial or Reciprocity License Fee: By an applicant for a license to practice as a nursing home administrator, the fee of \$60 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.

106-017.02 Initial Preceptor Certificate Fee: By an applicant for a certificate as a nursing home administrator preceptor, the fee of \$15.

106-017.03 Provisional License Fee: By an applicant for a provisional license as a nursing home administrator, the fee of \$25.

106-017.04 Pro-rated Initial or Reciprocity License Fee: For issuance of a license to practice as a nursing home administrator that will expire within 180 days after its initial issuance date, a fee of \$25 and the Licensee Assistance Program fee of \$1.

106-017.05 Administrator-in-Training (AIT) or Mentoring Program Fee: By an applicant for a AIT or Mentoring program, the fee of \$15.

106-017.06 License Renewal Fee: By an applicant for renewal on a biennial basis of a license to practice as a nursing home administrator, the fee of \$60 and the Licensee Assistance Program fee of \$2.

106-017.07 Preceptor Certificate Renewal Fee: By an applicant for renewal on a 4 year basis of a license to practice as a nursing home administrator preceptor, the fee of \$15.

106-017.08 Inactive License Status Fee: By an applicant to have his/her license placed on inactive status, the fee of \$25.

106-017.09 Renewal Late Fee: By an applicant for renewal on a biennial basis of a credential, who fails to pay the renewal fee on or before the expiration date of his/her credential, the fee of \$25 as a late fee in addition to the renewal fee.

106-017.10 Certification of License/Certificate Fee: For issuance of a certification of a credential, the fee of \$25. The certification includes information regarding:

1. The basis on which a credential was issued;
2. The date of issuance;
3. Whether disciplinary action has been taken against the credential; and
4. The current status of the credential.

106-017.11 Verification of License/Certificate Fee: For issuance of a verification of a credential, the fee of \$5. The verification includes written confirmation as to whether a credential was valid at the time the request was made.

106-017.12 Duplicate License/Certificate Fee: For a duplicate of original license/certificate document or reissued license or certificate, the fee of \$10.

106-017.13 Administrative Fee: For a denied credential or a withdrawn application, the administrative fee of \$25 will be retained by the Department, except if the credentialing fee is less than \$25, the fee will be forfeited and an examination fee will not be returned.

106-017.14 Reinstatement Late Fee: For reinstatement of a credential for failure to meet renewal requirements:

1. Within one year, the fee of \$35 in addition to the renewal fee.
2. After one year of revocation, the fee of \$75 in addition to the renewal fee.

106-017.15 Reinstatement Fee: For reinstatement following suspension, limitation or revocation for disciplinary reasons, the fee of \$75.

106.017.16 Continuing Education Program Fee: For review of a continuing education program, the fee of \$10.

106-018 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person practiced without a license and/or certification as a preceptor. Practice without a license and/or certification as a preceptor for the purpose of this regulation means practice:

1. Prior to the issuance of a license and/or certification as a preceptor;
2. Following the expiration of a license and/or certification as a preceptor; or
3. Prior to the reinstatement of a license and/or certification as a preceptor.

106-0018.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a license and/or certification as a preceptor:

1. The person admits to engaging in practice;
2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;
3. Billing or payment records document the provision of service, care, or treatment by the person;
4. Service, care, or treatment records document the provision of service, care, or treatment by the person;
5. Appointment records indicate that the person was engaged in practice; and
6. The person opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

For purposes of this regulation prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

106-018.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a license and/or certification as a preceptor. To assess such penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice must specify:
 - a. The total amount of the administrative penalty;
 - b. The evidence on which the administrative penalty is based;
 - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
 - d. That the Department will within 30 days following receipt of payment of the administrative penalty transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and
 - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property; and
2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.

106-018.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 and 184 NAC 1, Rules of Practice and Procedure before the Department.

Effective Date
05/02/2006

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

172 NAC 106

These regulations amend 172 NAC 106 Nursing Home Administrators, last effective date October 3, 2004.

Approved by the Attorney General:	March 20, 2006
Approved by the Governor:	April 27, 2006
Filed with the Secretary of State:	April 27, 2006

EFFECTIVE DATE: **May 2, 2006**

The forms referred to in the body of these regulations are available upon request.